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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP			WILLIAMS, LAWRENCE B	
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CHICAGO, IL 60606			2638	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/903,040	MOORE, DANIEL L.	
	Examiner	Art Unit	
	Lawrence B Williams	2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on amendment filed on 21 December 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,6-20,23-31,34-51 and 53-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,6-20,23-31,34-51 and 53-58 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed 21 December 2005, with respect to the rejection(s) of claim(s) 1-54 under USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly cited references.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 3, 6-7, 9, 15, 18-20, 26-31, 34, 36, 42, 44 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Flood et al. (US Patent 6,914,914 B1).

(1) With regard to claim 1, Flood et al. discloses a system and method for multi-chassis configurable time synchronization wherein he discloses in Fig. 2, a method to synchronize transmission of data: said method comprising; receiving a plurality of data into a buffer (col. 16, lines 35-44) at a destination device (56), wherein the plurality data is transmitted by a first source device (88) via a first network (communications network; col. 7, lines 29-36) receiving a plurality of synchronization pulses at said destination device (56) wherein the plurality of

synchronization pulses is transmitted by a second source device (64) via a second network (synchronization network 1; col. 7, lines 38-45) receiving a sequence number at said destination device to determine when said destination device will access said plurality of data from said buffer (col. 9, lines 5-20).

(2) With regard to claim 2, Flood et al. also discloses extracting a sequence number from the plurality of synchronization pulses received by said destination device to determine when and in which order said destination device will access the plurality of data from said buffer (col. 7, lines 7-11).

(3) With regard to claim 3, though Flood et al. does not teach the networks being one of a powerline and data network, he does teach the use of other networks for the implementation of his invention (col. 11, lines 19-29). Thus the use of the powerline network would be a design choice by applicant and would not constitute patentability.

(4) With regard to claim 6, Flood et al. also discloses said first source device and said second device are the same (col. 7, lines 59-67).

(5) With regard to claim 7, Flood et al. also discloses wherein said plurality of synchronization pulses adjusts a clock used by said destination device (col. 26, lines 35-51).

(6) With regard to claim 9, Flood et al. also discloses wherein the plurality of synchronization pulses is transmitted to said destination device by a transmission media selected from a group consisting of: a pair of wires, a double pair of wires, a coaxial cable, radio transmission, infrared transmission, one optical fiber, and two optical fibers (col. 7, lines 45-48).

(7) With regard to claim 15, Flood et al. also discloses wherein said plurality of data has an embedded sequence number (col. 29, lines 13-26).

(8) With regard to claim 18, Flood et al. discloses in a system and method for multi-chassis configurable time synchronization wherein he discloses in Fig. 2, a method to transmit data: said method comprising; transmitting a plurality of data from a first source device (88) into a buffer (col. 16, lines 35-44) at a destination device (56) via a first network (communications network; (col. 7, lines 29-36), wherein the destination device receives a plurality of synchronization pulses from a second source device (64) via a second network; wherein said plurality of synchronization pulses adjusts a clock used by said destination device (col. 26, lines 35-51); and wherein the destination device extracts a sequence number from said plurality of synchronization pulses to determine when and in which order to access said plurality of data from said buffer (col. 7, lines 7-11).

(9) With regard to claim 19, though Flood et al. does not teach the networks being one of a powerline and data network, he does teach the use of other networks for the implementation of his invention (col. 11, lines 19-29). Thus the use of the powerline network would be a design choice by applicant and would not constitute patentability.

(10) With regard to claim 20, Flood et al. also discloses said first source device and said second device are the same (col. 7, lines 59-67).

(11) With regard to claim 26, Flood et al. also discloses wherein said plurality of data has an embedded sequence number which said destination device can extract to determine when to access said plurality of data from said buffer (col. 21, lines 6-20).

(12) With regard to claim 27, Flood et al. also discloses in Fig. 2, a system comprising: a destination device (56) having a buffer (86, 86) and a controller (85), wherein the destination device receives a plurality of data from a first source device (93, 97) to be stored in the buffer

and receives a plurality of synchronization pulses from a second source device (64) that is physically separate from the first source device; wherein the controller is configured to calculate a sequence number to determine when the controller accesses the plurality of data from the buffer (col. 7, lines 7-11); wherein the destination device is configured to receive the plurality of data from the first source device via a first transmission medium of a first network (communications network); and wherein the destination device is configured to receive the synchronization pulses from the second source device via a second transmission medium of a second network (synchronization network).

(13) With regard to claim 28, Flood et al. also discloses wherein said destination device determines said sequence number from said plurality of synchronization pulses (col. 7, lines 7-11).

(14) With regard to claim 29, Flood et al. also discloses wherein said first transmission medium and said second transmission are the same transmission medium (col. 11, lines 28-42).

(15) With regard to claim 30, though Flood et al. does not teach the network between the first and second source devices as being a powerline network, he does teach the use of other networks for the implementation of his invention (col. 11, lines 1929). Thus the use of the powerline network would be a design choice by applicant and would not constitute patentability.

(16) With regard to claim 31, Flood et al. also discloses wherein said first source device and said second device are the same device (col. 7, lines 59-67).

(17) With regard to claim 34, Flood et al. also discloses wherein said plurality of synchronization pulses adjusts a clock used by said destination device (col. 26, lines 35-51).

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(18) With regard to claim 36, Flood et al. also discloses wherein the plurality of synchronization pulses is transmitted to said destination device by a transmission media selected from a group consisting of: a pair of wires, a double pair of wires, a coaxial cable, radio transmission, infrared transmission, one optical fiber, and two optical fibers (col. 7, lines 45-48).

(19) With regard to claim 42, Flood et al. also discloses wherein said plurality of data has an embedded sequence number (col. 9, lines 5-20).

(20) With regard to claim 44, claim 44 inherits all limitations of claim 27 above. As noted above, Flood et al. disclose all limitations of claim 27. Furthermore, Flood et al. also discloses wherein the system further comprises an error detecting circuit in the destination device (col. 11, lines 40-42; col. 29, lines 44-52).

4. Claims 8, 35, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flood et al. (US Patent 6,914,914 B1) as applied to claims 7, 27 above and further in view of Mushkin et al. (US Patent 6,888, 819 B1).

(1) With regard to claim 8, claim 8 inherits all limitations of claim 7, above. As noted above, Flood et al. discloses all limitations of claim 1 above. He does not however teach wherein the plurality of synchronization pulses adjusts a phase-locked-loop (PLL) in the destination device.

However, Mushkin et al. discloses in media access control utilizing synchronization signaling wherein a plurality of synchronization pulses adjusts a phase-locked-loop (PLL) in a destination device (col. 11, lines 45-48).

It would have been obvious to one of ordinary skill in the art at the time of invention to apply the method as taught by Mushkin et al. to modify the invention of Flood et al. as a known method of aligning the internal of a device.

(2) With regard to claim 35, claim 35 discloses limitations similar to those of claim 8. Therefore a similar rejection applies.

5. Claims 10-12, 17, 23, 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flood et al. (US Patent 6,914,914 B1) as applied to claims 7, 18, 27 above and further in view of Litwin, Jr. et al. (US Patent 6834,091 B2).

(1) With regard to claim 10, claim 10 inherits all limitations of claim 1 above. As noted above, Flood et al. discloses all limitations of claim 1 above. Flood is silent as to the modulation method used on either the data or synchronization pulses.

However, Litwin, Jr. et al. discloses a method wherein a plurality of synchronization pulses and the plurality of data are transmitted using one modulation method (col. 4, lines 16-18).

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Litwin Jr. et al. with the invention of Flood et al. as a method of bandwidth reduction.

(2) With regard to claim 11, Litwin, Jr. et al. also discloses wherein the plurality of synchronization pulses and plurality of data are transmitted using orthogonal differential frequency (OFDM) modulation (col. 4, lines 16-19).

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It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Litwin Jr. et al. with the invention of Flood et al. as a known modulation method in powerline communication.

(3) With regard to claim 12, claim 12 inherits all limitations of claim 10 above.

Furthermore, Litwin, Jr. et al. also discloses wherein said plurality of synchronization pulses and said plurality of multimedia data are transmitted using a modulation method selected from a group of modulation methods consisting of: QAM, CODFM, DFM, PSK, BPSK, or QPSK (col. 4, lines 16-18).

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Litwin Jr. et al. with the invention of Flood et al. as a known modulation method in powerline communication.

(4) With regard to claim 17, claim 17 inherits all limitations of claim 1 above.

Furthermore, Litwin, Jr. et al. also discloses wherein the plurality of data includes audio data, video data, multimedia data, or a combination thereof (col. 3, lines 37-44).

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Litwin Jr. et al. with the invention of Flood et al. as a method of insuring a proper display rate for the audio, video and multimedia data.

(5) With regard to claim 23, claim 23 discloses limitations similar to those disclosed in claim 10. Therefore a similar rejection applies.

(6) With regard to claim 37, claim 37 discloses limitations similar to those disclosed in claim 10. Therefore a similar rejection applies.

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(7) With regard to claim 38, claim 38 discloses limitations similar to those disclosed in claim 11. Therefore a similar rejection applies.

(8) With regard to claim 39, claim 39 discloses limitations similar to those disclosed in claim 12. Therefore a similar rejection applies.

6. Claims 13, 24 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flood et al. (US Patent 6,914,914 B1) as applied to claims 1, 18 and 27 above in view of Solum et al. (US 2002/0098798 A1)

(1) With regard to claim 13, claim 13 inherits all limitations of claim 1 above. As noted above, Flood et al et al. discloses all limitations of claim 1 above. He does not however teach wherein the plurality of synchronization pulses is transmitted with a different modulation from a modulation used to transmit the plurality of data.

However, Solum et al. teaches a communication system wherein the plurality of synchronization pulses is transmitted with a different modulation from a modulation used to transmit the plurality of data (pg. 21, paragraph 0260).

Therefore it would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Solum et al. as a method of optimizing bandwidth used for transporting data (pg. 1, paragraphs 0009-0012).

(2) With regard to claim 24, claim 24 discloses limitations similar to those of claim 13. Therefore, a similar rejection applies.

(3) With regard to claim 40, claim 40 discloses limitations similar to those of claims 24 and 13. Therefore a similar rejection applies.

7. Claims 14, 25 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flood et al. (US Patent 6,914, 914 B1) as applied to claims 1, 18 and 27 above in view of Mazzali et al. (Optical PPM Generator by Direct-Frequency Shifting).

(1) With regard to claim 14, as noted above Flood et al. et al. disclose all limitations of claim 14. He does not however disclose wherein the plurality of synchronization pulses is transmitted without modulation. However, Mazzali et al. teaches synchronization pulses transmitted without modulation (pg. 191).

It would have been obvious to one skilled in the art to incorporate the scheme of Mazzali et al. as a method of a reliable scheme for pulse position control and detection.

(2) With regard to claim 25, claim 25 discloses limitations similar to those of claim 18. Therefore a similar rejection applies.

(3) With regard to claim 41, claim 41 discloses limitations similar to those of claims 18 and 25 above. Therefore a similar rejection applies.

8. Claims 16, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flood et al. (US Patent 6,914, 914 B1 as applied to claims 1, and 27 and further in view of Gous et al. (US Patent 6,763,241 B2).

(1) With regard to claim 16, as noted above Flood et al. discloses all limitations of claims 1 and 27 above. He does not however teach wherein the destination device comprises a global positioning satellite (GPS) receiver receiving the plurality of synchronization pulses. However, Gous et al. discloses a destination device comprising a global positioning satellite (GPS) receiver for receiving a plurality of synchronization pulses (abstract).

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Gous et al. with the invention Flood et al. as a method of insuring proper sampling of data (col. 2, lines 10-21).

(2) With regard to claim 43, claim 43 discloses limitations similar to those disclosed in claim 16. Therefore a similar rejection applies.

9. Claims 45-46, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flood et al. (US Patent 6,914,914 B1) in view of Nuber et al. (US Patent 5,703,877).

(1) With regard to claim 45, claim 45 inherits all limitations of claim 27 above. As noted above, Flood et al discloses all limitations of claim 27, above. Flood et al. does not however disclose the system wherein the plurality of data includes audio data.

However, Nuber et al. teaches acquisition and error recovery of audio data carried in a packetized data stream wherein the plurality of data includes audio data (col. 3, lines 37-44).

It would be obvious to one skilled in the art at the time of the invention to incorporate the teachings of Nuber et al. with the teachings of Flood et al. as a method of maintaining synchronization of the audio data (col. 4, lines 12-25).

(2) With regard to claim 46, claim 46 inherits all limitations of claim 27 above. Furthermore, Nuber et al. also discloses wherein the plurality of data includes video data (col. 20, lines 29-35).

It would be obvious to one skilled in the art at the time of the invention to incorporate the teachings of Nuber et al. with the teachings of Flood et al. as a method of maintaining synchronization between video and audio data.

(3) With regard to claim 49, Nuber et al. also discloses wherein said destination device further includes a detector extracting said sequence number from said plurality of synchronization pulses (col. 4, lines 28-67). It would have been obvious to one of ordinary skill in the art at the time of invention to apply the method as taught by Nuber et al. to modify the invention of Litwin, Jr. et al. as a known method of decoding digital audio data.

10. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flood et al. (US Patent 6,914,914 B1) as applied to claim 27 and further in view of Hirasawa et al. (US Patent 6,691,310 B2).

Claim 47 inherits all limitations of claim 27 above. As noted above, Flood et al. discloses all limitations of claim 27 above. Flood et al. does not disclose wherein the first source device comprises a first audio controller and said second source device comprise a second audio controller and said destination device comprises one or more speakers.

However, Hirasawa et al. discloses a system of transmitters and receivers wherein a first source device comprises a first audio controller (Fig. 3, element 131) and a second source device comprise a second audio controller (Fig. 14, element 231) and a destination device comprises one or more speakers (Fig. 14, element 239).

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Hirasawa et al. with the invention of Flood et al. as a method of indicating whether or not data has been received (col. 1, lines 53-61).

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11. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flood et al. (US Patent 6,914,914 B1) as applied to claim 27 and further in view of Chiu et al. (US Patent 5,784,597).

Claim 48 inherits all limitations of claim 27. As noted above, Flood et al. discloses all limitations of claim 27 above. Flood et al. does not however disclose wherein the destination device further includes one or more demodulators demodulating said plurality of data and said plurality of synchronization pulses.

However, Chui et al. teaches a communications network wherein he discloses a destination device further includes one or more demodulators demodulating said plurality of data and said plurality of synchronization pulses (col. 4, lines 39-40; 50-51).

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Chui et al. with the invention of Flood et al. and Nuber et al. provide high speed two-way video, audio and data communication on a network.

12. Claims 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flood et al. (US Patent 6,914,914 B1) as applied to claims 1, 2 and 18 above, and in further view of Kubista (US Patent 6,721,798 B1).

(1) With regard to claim 50, claim 50 inherits all limitations of claims 1 and 2 above as claim 50 merely discloses the method of the synchronization implemented by a computer. As noted above, Flood et al. discloses all limitations of claims 1 and 2. Flood et al. does not however teach the method implemented by computer. However, Kubista teaches a computer program for handling data transmission within a network. It would have been obvious to one skilled in the art

to that the mechanism or aspect of the invention could be distributed in the form of computer usable medium of instruction in a variety of forms.

(2) With regard to claim 51, claim 51 discloses limitations similar to those of claims 50.

Therefore a similar rejection applies.

13. Claims 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flood et al. (US Patent 6,914,914 B1) in view of Mushkin et al. (US Patent 6,888, 819 B1) as applied to claims 8 and 51 above and further in view of Kubista (US Patent 6,721,798 B1).

(1) With regard to claim 53, claim 53 inherits all limitations of claims 8 and 51. As noted above, Flood et al. in combination with Mushkin et al. disclose all limitations of claim 8 above. They do not however teach the method implemented by computer. However, Mushkin et al. teaches his method implemented in software (col. 14, lines 25-33). It would have been obvious to incorporate the teachings of Mushkin et al. as a method of increasing reliability in the system.

(2) With regard to claim 54, Mushkin et al. also discloses wherein the plurality of data is selected from a group consisting of audio data, visual data, multimedia data, or a combination thereof (col. 3, lines 41-44).

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Mushkin et al. as a method of efficient coexistence of nodes with different communication technologies.

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14. Claims 55-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flood et al. (US Patent 6,914,914 B1) as applied to claims 1, 3, and 18 above in view of Mushkin et al. (US Patent 6,888,819 B1).

(1) With regard to claim 55, claim 55 inherits all limitations of claim 1. As noted above, Flood et al. discloses all limitations of claim 1 above. Flood et al. does not disclose wherein the first network is a wireless network and the second network is a powerline network.

However, Mushkin et al. discloses media access control utilizing synchronization signaling wherein he discloses a first network is a wireless network and the second network is a powerline network (col. 3, lines 64-67).

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Mushkin et al. with the invention of Flood et al. as a method of coexistence of networks having different technologies and protocols (col. 3, lines 56-64).

(2) With regard to claim 56, Flood et al. also discloses in fig. 2, wherein said first source device and said second source device are physically separate device (elements, 54, 56).

(3) With regard to claim 57, Mushkin et al. also discloses wherein the data network is a wireless network (col. 7, lines 14-22).

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Mushkin et al. with the invention of Flood et al. as a method of coexistence of networks having different technologies and protocols (col. 3, lines 56-64).

(4) With regard to claim 58, claim 58 discloses limitations similar to those disclosed in claim 55. Therefore a similar rejection applies.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence B Williams whose telephone number is 571-272-3037. The examiner can normally be reached on Monday-Friday (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lawrence B. Williams

lbw
March 5, 2006


~~EMMANUEL BAYARD~~
~~PRIMARY EXAMINER~~